

REMARKS

Claims 1-13 are pending in the present application. No claim amendments have been made in this response. The Examiner provisionally rejected the claims 1-13 under the judicially-created doctrine of obviousness-type double patenting in view of claims 1-6 of U.S. Patent No. 7,382,790. Applicant encloses hereinwith a Terminal Disclaimer and respectfully requests the withdrawal of the provisional rejection.

Claims 1-10, 12-13 were rejected under 35 USC 103(a) as being unpatentable over Black et al (US patent No. 6,614,796) in view of Hoglund et al (US Patent No. 6,747,984). Applicant respectfully request reconsideration and withdrawal of this rejection in light of the following remarks.

Applicant notes with appreciation that the Examiner has agreed that Black fails to disclose, teach or suggest "*assigning different access priorities to the ports in accordance with different port types*" as recited in claim 1. However, Applicant respectfully disagrees with the Examiner that Hoglund provides teachings of this limitation. As with Black, Hoglund discloses a round-robin scheme where "high priority traffic may be continuously attempted until sent." (*See* Col. 7, lines 24-30) Hoglund briefly mentions that the data buffer selection may be made "in the order of queuing or on some priority order associated with each set of data," (*See* col. 7, 36-38) As understood by Applicant, the priority order of data traffic can be set as high or low according to Hoglund (*Id.*; Fig. 6), but nowhere in this reference is found any teachings on "*assigning different access priorities to the ports in accordance with different port types*," such as a string cascade port, a tree cascade port or a device port. Accordingly, it is respectfully submitted that Hoglund and Black, whether standing alone or in any combined form, fail to disclose, teach or suggest at least the above-cited limitation in claim 1, and therefore, claims 1-10, 12-13 are patentable over these references.

Claim 11 was objected to as being dependent upon a rejected base claim. Applicant notes with appreciation that the Examiner considered claim 11 to be allowable if rewritten in

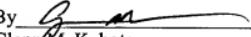
independent form. However, it is respectfully submitted that claims 1-10, 12-13, which include the base claim of claim 11, are in condition for immediate allowance for at least the foregoing reasons, and hence, no rewriting of claim 11 in independent form.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 reference docket no. 49144-20116.22. However, the commission is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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